GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Water Resources Department- Suit in O.S No. 36/2012 filed by Mygapula Durga Prasad against the Government on the file of the Additonal District Judge, West Godavari Dist, Kovvur-- Sanction of Rs.55.00 lakhs towards depositing in the Hon'ble Court- Orders - Issued.

WATER RESOURCES (PROJ.I.A2) DEPARTMENT

G.O.Ms.No.97 **Dated:12-09-2016**
Read:-

From the ENC, Irr, Hyderabad Lr.No. ENC(I)/DCE-DW/OT4/AEE19/Miscellaneous, dated. 08-01-2016 , 13-04-2016, 16-07-2016.

ORDER:

In the reference read above, the Engineer-in-Chief, Irr has submitted that tenders were invited for the following two works through e procurement ie., Improvements to Kovvada Calva from KM 8.000 to Km 12.000 and from Km 12.000 to Km 16.7000 in WG District under Disaster Management Programme. The works are awarded to Sri M. Durga Prasad, Pattisam duly inviting tenders and concluded Agt. on 07.07.2008 for an amount of Rs. 32.18 Lakhs and 26.66 Lakhs respectively as the tender Percentage is less by 15% and 22% respectively. Based on the acceptance of tenders by the Superintending Engineer, Irrigation Circle, Eluru the works were taken up by the contractor from 16.06.2008 and stopped on 22.07.08.

2. The Executive Engineer submitted part bills to PAO, Eluru but taken back due to complaints. As a result the contractor approached District Legal Services Authority and subsequently approached AP High Court requesting for direction to pay the bills. On the assurance of Government Pleader that respondents will pay the bills within a period of 3 months, the Writ Petition is disposed off.

3. The contractor has filed contempt of court vide CC No: 1796/09 in WP No: 12947/09 for delay in arranging payment even though the High Court has issued orders on 17.07.09 for final payment within 3 months. Later, the contractor approached the District Court, Eluru and filed a petition OS no: 119/2011 on the same plea. But the same was transferred to district Sessions court Kovvur with OS No: 36/2012. After several hearings, judgment delivered against the Department. The Assistant Government Pleader advised the Department to go for appeal in Hon'ble High Court, as there are very good grounds and fair chances to succeed in the appeal matter.

4. In this connection, the Executive Engineer approached the High Court on 27.11.2015 and filed a case as ASSR 13335, ASMP 2752/15. Further the contractor proceeded to Principal District Court WG, Eluru and filed on behalf of plaintiff as EP No: 1/2016 with a request to attach the movable assets and the notice was issued on 21.01.2016.

5. The ENC, Irr has further submitted that as per the information from the Learned Advocate General, if the Hon'ble High Court granted any stay order, the Government has to deposit 50% amount of decree granted by District and Session Judge Court, Kovvur in OS No: 36/2012.

6. Accordingly, the ENC, Irr has requested that necessary sanction may be given for an amount of Rs. 55.00 Lakhs for depositing in the Hon'ble Court under the Head of Account "4711-01-103 civil works-11-SH(05) 530/531 OE".

P.T.O.

7. Government after careful consideration hereby accord necessary sanction for an amount of Rs. 55.00 Lakhs (Rupees fifty five lakhs only) for depositing in the Hon'ble Court subject to verification that the amount is in conformity with the judgment in OS No. 36/2012.

8. The expenditure sanctioned in Para (7) above shall be debited to the Head of Account "4711-01-103 civil works-11-SH(05) 530/531 OE."

9. The Engineer-in-Chief, Irr shall take necessary action in the matter accordingly.

10. This order issues with the concurrence of Finance (FMU-WR II) Department vide their U.O.No.48022/271/FMU-WR II/16, dated. 29-08-2016.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

SHASHI BHUSHAN KUMAR
SECRETARY TO GOVERNMENT

To
The Engineer-in-Chief, Irrigation,
Jalasudha, Errummanzil, Hyderabad
Copy To:
The Pay & Accounts Office, Hyderabad
The Director of Works & Accounts, Hyderabad
Finance (FMU-WR II) Department
SF/SC

//FORWARDED::BY ORDER//

SECTION OFFICER